

REMARKS

Rejections under 35 USC 112

The Examiner has rejected claims 1-12 and 20 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner believes that the claims are indefinite and confusing. In particular, the Examiner believes that limitation “first one or more at least substantially” is confusing.

Applicant strongly disagrees. With respect to the limitation in question, the complete phrase is “first one or more at least substantially triangular shapes.” The “shapes” are delineated as “first” shapes, to distinguish them from “second” shapes also recited in the claims. There are “one or more” of such shapes. The shapes are further “at least substantially triangular.” Applicant asserts that one of ordinary skill within the art, if carefully reviewing the claim language in good faith, would easily find the claims as definite.

Nevertheless, to move along prosecution, Applicant has amended the claims without prejudice, and believes that the claims should meet the Examiner’s heightened reading of 35 USC 112, second paragraph (which Applicant believes is improper). The “shapes” are recited as being “first triangular shapes” and “second triangular shapes,” which should render them less confusing to the Examiner. However, Applicant asserts that the phrase “triangular shapes” is inclusive of there being only one triangular shape, and that this phrase is further inclusive of the shapes being “at least substantially triangular.” Indeed, inasmuch as claim 5 limits the first triangular shapes to a single triangle, and the second triangular shapes to “a single triangle,” Applicant’s first assertion is directly claimed in claim 5, as well as other claims similarly limiting the triangular shapes. Furthermore, inasmuch as claim 4 limits the each of the first and the second triangular shapes to “one or more triangles,” the doctrine of claim differentiation means that claim 1’s recitation of “first triangular shapes” and “second triangular shapes” encompasses more than triangles, as to which claim 4 is limited, such as substantially triangular shapes, such that Applicant’s second assertion is also directly, albeit implicitly, claimed in claim 1.

In any case, due to Applicant's amendment of the pending claims, Applicant asserts that the rejection under 35 USC 112, second paragraph, is now properly withdrawn, even under the Examiner's heightened reading of indefiniteness under this paragraph.

Conclusion

Applicant has made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Randy Tung, Applicant's Attorney, at 248-540-4040, so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



Randy Tung
Attorney/Agent for Applicant(s)

Tung and Associates

tel: 248-540-4040

fax: 248-540-4035